

# TYPE II LAND DIVISION & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 PLD



**Project Name:** CROSWELL CLUSTER SHORT PLAT

**Case Number:** PLD2009-00024; SEP2009-00040

**Location:** 5909 W Street

**Request:** The applicant is requesting to short plat 10.10 acres into two single-family residential lots using the provisions of the cluster ordinance. The site is located in the R-5 zone district.

**Applicant/Owner:** Ray & Delores Croswell  
5909 W Street  
Washougal, WA 98671  
(360)835-3294  
[shedhunt@aol.com](mailto:shedhunt@aol.com)

**Contact Person:** Travis Johnson  
1014 Franklin Street, Atrium Suite  
Vancouver, WA 98660  
(360)600-8726; (360)944-6539 fax  
[travis@plsengineering.com](mailto:travis@plsengineering.com)

## DECISION

**Approve subject to Conditions of Approval**

**Team Leader's Initials:** ATJ **Date Issued:** August 13, 2009

### County Review Staff:

|                           | <u>Name</u>    | <u>Phone Ext.</u> | <u>E-mail Address</u>  |
|---------------------------|----------------|-------------------|--|
| <b>Team Leader:</b>       | Travis Goddard | 4180              | <a href="mailto:Travis.goddard@clark.wa.gov">Travis.goddard@clark.wa.gov</a> |
| <b>Planner:</b>           | Terri Brooks   | 4885              | <a href="mailto:Terri.brooks@clark.wa.gov">Terri.brooks@clark.wa.gov</a>     |
| <b>Habitat Biologist:</b> | Dave Howe      | 4598              | <a href="mailto:David.Howe@clark.wa.gov">David.Howe@clark.wa.gov</a>         |

|   |                        |      |                             |
|---|------------------------|------|-----------------------------|
| <b>Wetland Biologist:</b>                             | Brent Davis            | 4152 | Brent.Davis@clark.wa.gov    |
| <b>Engineer Supervisor:</b><br>(Trans. & Stormwater): | Sue Stepan P.E.        | 4102 | sue.stepan@clark.wa.gov     |
| <b>Engineer</b><br>(Trans. & Stormwater):             | David Bottamini,<br>PE | 4881 | David.bottamini@clark.w.gov |
| <b>Fire Marshal Office</b>                            | Tom Scott              | 3323 | tom.scott@clark.wa.gov      |

**Comp Plan Designation:** R-5

**Parcel Number(s):** Tax lot 1 (133026-000) located in the Northwest quarter of Section 10, Township 1 North, Range 4 East of the Willamette Meridian

**Applicable Laws:**

Clark County Code Title 14 (Buildings and Structures), 15.12 (Fire Code); 40.4 (Critical Areas), 40.350 (Transportation & Circulation); 40.210 (Rural and Resource Residential Zoning Districts), 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.5 (Procedures); 40.510.020 (Type II Process); 40.540.030 (Short Plats); Section 40.350.020 (Transportation Concurrency), 40.610 & 40.620 (Impact Fees) 40.570 (SEPA); RCW 58.17 (State Platting Laws) and the Clark County Comprehensive Plan.

**Neighborhood Association/Contact:**

Washougal River Neighborhood Association  
Kevin Addis  
512 NE 302nd Avenue  
Washougal, WA 98671

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on November 25, 2008. The pre-application was determined to be contingently vested as of November 6, 2008 (i.e., the date the fully complete pre-application was submitted)].

The fully complete application was submitted on May 27, 2009 and determined to be fully complete on May 29, 2009. Given these facts, the application is vested on November 6, 2008.

There are no disputes regarding vesting

### **Time Limits:**

The application was determined to be fully complete on May 29, 2009. Therefore, the County Code requirement for issuing a decision within 78 days lapses on August 15, 2009.

### **Public Notice:**

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, Washougal Neighborhood Association and property owners within 500 feet of the site on June 10, 2009.

### **Public Comments:**

There were no public comments for this proposal.

### **Project Overview**

The site is located on the south side of W Street about 1,000 feet east of the Washougal City limits. The address of the existing home is 5909 W Street. The proposed new lot is currently vacant although there was previously a mobile home and shop on it. The southeast portion of the property has very steep slopes and an unnamed creek. The steep slopes, creek and creek buffer will be included in the large remainder parcel.

### **Comprehensive Plan, Zoning and Current Land Use**

| <b>Compass</b> | <b>Comp Plan</b> | <b>Zoning</b>                             | <b>Current Land Use</b>     |
|----------------|------------------|---|-----------------------------|
| Site           | R-5              | R-5                                       | Residential                 |
| North          | EC               | OC with UH-40 and Surface Mining overlays | Residential and agriculture |
| East           | R-5              | R-5                                       | Residential                 |
| South          |                  |   | Residential and agriculture |
| West           | R-5              | R-5                                       | Vacant lands                |

### **Staff Analysis**

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

**Major Issues:**

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

**LAND USE:**

**Finding 1 - Density**

CCC 40.210.020, D, 3 sets standards for density for cluster land divisions. The total acreage of the property is 10.10 acres according to the applicant's plat map (Exhibit 2). CCC 40.210.020, D, 3 allows cluster developments a maximum density equivalent to that which would be permitted by applying the otherwise applicable minimum lot size requirements of this section. The density is allowed to be based on one hundred ten percent (110%) of the gross area of the site. In this case, 110% of 10.10 acres will permit the two lots as proposed ( $10.10 \times 110\% = 11.11 \div 5 = 2.22$ ).

The applicant has chosen to include the remainder lot within the density of the proposal. The remainder parcel must be at least 65% of the total acreage or a minimum of 6.57 acres ( $10.10 \times 65\% = 6.57$ ). The required size of the remainder parcel sets the standard, but also allows flexibility in creating the smaller cluster lots. (See Condition #D-1)

**Finding 2 - Remainder Lot**

CCC 40.210.020, D, 3, c requires that the remainder parcel be contiguous. Fragmentation of the parcel by public or private road easements and/or building sites is not allowed unless no other reasonable alternative exists. To the maximum extent possible, all critical areas and any associated buffers must be located within the remainder parcel. There is no fragmentation of the remainder parcel and all of the critical area is located within the remainder lot. (See Condition #D-1)

### Finding 3 - Setbacks

CCC 40.210.020, D, 4 requires that structures on the remainder and cluster lots be setback a minimum of 20 feet when adjacent to another cluster lot. If not adjacent to another cluster lot, front and rear setbacks must be 50 feet. Also, if adjacent to the front or rear of the remainder parcel, the setback is 50 feet. Building envelopes are shown on the preliminary plat map that show 20 feet from to the west on lot 1 and 30 feet to the east, the remainder parcel. Front and rear setbacks are shown as 50 feet. However, because there is no fire flow in the area the Fire Marshal requires all side yard setbacks to be at least 30 feet. The final plat map will need to be revised so that the building envelope shows the correct setbacks. (See Condition #D-2)

### Finding 4 – Landscaping

CCC 40.210.020, D, 6 requires that cluster developments be landscaped within the developed portions of cluster lots to reduce views of the development from public right-of-ways. The proposed or existing landscaping must be of sufficient size and type to provide a buffer of vegetation six (6) feet in height and fifty percent (50%) opaque year round within 3 years of planting and be located on the site. A mix of shrubs and trees is required. New landscaping materials must consist of native vegetation as provided in the Clark County plant list and must be installed prior to final plat approval unless financial guarantees are made for its installation prior to any building permit activity. The landscape plan submitted with this application indicates that existing vegetation and planting of 9 Douglas fir trees will be used for screening. All landscaping must be planted prior to recording of the final plat unless a financial guarantee has been made. Landscaping located in public right-of-way cannot be used to meet this standard. (See Condition #D-3)

### Finding 5 - Design Requirements

CCC40.210.020, D, 5 contains design requirements for cluster developments. These requirements must be noted on the final plat map. The applicant proposes to gate the private roads. The gates must be plain and cannot contain a sign. (See Conditions # D-11-j, D-11-k and D-11-l)

### **Conclusion (Land Use):**

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

### **ARCHAEOLOGY:**

#### Finding 1

A portion of the site is mapped on county archaeological predictive maps as having a high potential for containing artifacts. Thus, the applicant was required to perform an archaeological predetermination.

An archaeological predetermination on the site was conducted for the applicant by Archaeological Services of Clark County, and the results of the investigation were sent to the Department of Archaeology & Historic Preservation (DAHP). DAHP concurred with the recommendation that no further work be conducted on the site however they

recommended that specific language for an inadvertent discovery plan be attached to the permit. (See Condition D-11-a and D-11-b)

**Conclusion (Archaeology):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

**HABITAT:**

**Finding 1**

A mapped Department of Natural Resources (DNR) type F (fish-bearing) stream flows through portions of the property. According to Title 40.440.010(C)(1)(a), a DNR type F watercourse requires a 200-foot riparian Habitat Conservation Zone (HCZ) in order to protect fish and wildlife habitat. The riparian HCZ extends 200' horizontally outward from the ordinary high water mark.

**Finding 2**

That applicant has proposed building envelopes that are outside of the riparian HCZ on the site. The proposed building envelopes comply with the exemption criterion identified in Table 40.440.010-1, row 2 of the Habitat Conservation Ordinance. (See Condition # D-12)

**Conclusion (Habitat):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the habitat requirements of the Clark County Code.

**GEO-HAZARD:**

**Finding 1- Applicability:**

All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. The provisions of CCC 40.430 therefore apply to this development.

**Finding 2 – Geologic Hazard Issues**

New construction is subject to the Geohazard Area Ordinance, CCC 40.430. Any construction activity on lot #2 requires an engineer, who is proficient in geotechnical engineering, identify the locations of geohazard areas defined by code and identify where the associated required development setbacks are located. All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. A detailed geotechnical engineering report shall be reviewed and approved by the county if development activities are in or within 100 feet of a geohazard area. (See Plat Note # D-11-i)

**Conclusion (Geo-Hazard):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the geo-hazard requirements of the Clark County Code.

## **TRANSPORTATION:**

### **Finding 1 – Roads**

W Street is a "Rural Local Access" road which requires a 25-foot half-width right-of-way dedication. The applicant has proposed a 27-foot right-of-way that meets the minimum requirement.

Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Driveways longer than 300 feet shall be constructed with an approved turnaround at the terminus and approved turnouts at maximum 500-foot intervals (see the standard detail's manual, drawing #33). Where connecting to a paved rural street, public or private, the connecting road or driveway shall be paved 20 feet back from the edge of the nearest travel lane or right-of-way, whichever is greater. (See Conditions #D-6 and D-11-f)

### **Finding 2 - Sight Distance**

The applicant provided a sight distance letter dated December 12, 2008. A speed study was performed that indicated the east bound 85<sup>th</sup> percentile was traveling at 34 mph and the west bound was traveling at 35 mph.

Per the applicant:

"A sight distance analysis was performed on January 16<sup>th</sup> and found that from the proposed driveway for lot 2 there is 350 feet of unobstructed sight distance facing east on W Street and greater than 500 feet facing west on W Street. The applicant may adjust the proposed driveway to the east depending on how much brush is cleared on the inside corner of W Street."

"From the existing driveway access to proposed lot 1 there is 440 feet of unobstructed sight distance facing east on W Street. Facing west are two pine trees that will need to be removed to acquire sufficient sight distance. Once both trees are removed the sight distance will be greater than 500 feet."

"The proposed driveway access for lot 1 meets the minimum requirements from Clark County Code Section 40.350.030(B)(8)(b) and Table 40.350.030-11. The existing driveway meets the code requirements to the east and will meet the minimum requirements to the west when the existing pine trees shown in the attached exhibit are removed." (See Exhibit #1, Section 15 and Condition #D-11-g)

### **Conclusion (Transportation):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

## **STORMWATER:**

### **Finding 1 – Applicability**

The project is subject to the Stormwater and Erosion Control Ordinance (CCC 40.380). Projects that meet the eligibility requirements of CCC 40.260.110(B)(1) and create less than 5000 square feet of new impervious surface are exempt from CCC 40.380.040(B)

and CCC 40.380.040(C). Houses that utilize roof downspout systems to infiltrate road runoff may be deducted from area calculations. It is not clear as to whether or not the project will result in creating less than 5000 square feet for the purpose of determining if CCC 40.380.040(B) and CCC 40.380.040(C) apply.

#### Finding 2 – Stormwater Proposal

The applicant has provided a storm drainage certification of “feasibility” for the proposed Croswell Cluster Short Plat dated July 15, 2009.

At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan, or demonstrate CCC 40.380.040(B) and CCC 40.380.040(C) do not apply. (See Conditions # D-11-h, E-3-a and F-1)

If applicable, a covenant running with the land must be recorded with the plat which provides the county inspection staff permission to inspect individual onsite stormwater systems with prior notification. (See Condition #D-10-f)

#### **Conclusion (Stormwater):**

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

#### **FIRE PROTECTION:**

##### Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

##### Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition #E-1)

##### Finding 3 – Fire Flow

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is not available within 1000 feet of the property line. Fire hydrants will not be required. Alternative construction methods shall be used to meet fire flow; this will require 30 foot rear and side setbacks and a class "A" rated roof. An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 sq. ft. of habitable space. (See Condition #D-11-m)



#### Finding 4 - Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Condition #F-2-a)

#### Finding 5 - Driveways

All other new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See Condition #F-2-b)

#### **Conclusion (Fire Protection):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

#### **WATER & SEWER SERVICE:**

##### Finding #1

The use of water wells and septic systems are proposed to serve the site. A "Health Department Evaluation Letter" has been submitted that confirms the Health Department conducted an evaluation of the site and determined that that the existing and proposed wells and septic systems are feasible, subject to conditions of approval. (See Conditions #D-9-a through i)

##### Finding #2

Where use of wells or septic systems are proposed, the Health Department must sign the final plat prior to submittal to the county for final plat review and recording (See Condition #D-7)

#### **Conclusion (Water & Sewer Service):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

#### **IMPACT FEES:**

##### Finding 1 Impact Fees

The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

- Rural 2 sub-area with a TIF of \$593.82 per dwelling.
- Washougal School District, with a SIF of \$5,339.39 per dwelling

TIF is payable prior to issuance of building permits. (See Conditions #D-10-b and E-2)

## SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on June 10, 2009 is hereby final.

### SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

SEPA Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the

Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

**Staff Contact Person:** Terri Brooks, Planner, (360) 397-2375, ext. 4885  
Travis Goddard, Team Leader, (360) 397-2375, ext. 4180

**Responsible Official:** Michael V. Butts, Development Services Manager

## DECISION

Based upon the proposed plan (identified as Exhibit 2), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

## CONDITIONS OF APPROVAL

|          |   |
|----------|---|
| <b>A</b> | <b>Final Construction Review for Land Division<br/>Review &amp; Approval Authority: Development Engineering</b> |
|----------|---|

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 None

|          |   |
|----------|---|
| <b>B</b> | <b>Prior to Construction of Development<br/>Review &amp; Approval Authority: Development Inspection</b> |
|----------|---|

Prior to construction, the following conditions shall be met:

B-1 None

|          |  |
|----------|--|
| <b>C</b> | <b>Provisional Acceptance of Development</b><br><b>Review &amp; Approval Authority: Development Inspection</b> |
|----------|--|

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

**C-1 None**

|          |   |
|----------|---|
| <b>D</b> | <b>Final Plat Review &amp; Recording</b><br><b>Review &amp; Approval Authority: Development Engineering</b> |
|----------|---|

Prior to final plat approval and recording, the following conditions shall be met:

- D-1** The remainder parcel shall be a minimum of 6.57 acres in area and contain all critical areas and their buffers. (See Land Use Findings #1 and 2)
- D-2** The building envelope shall be modified from the preliminary plat map to show a 30 foot setback from the west property line of lot 1. (See Land Use Finding #2)
- D-3 Verification of the Installation of Landscape**  
The applicant shall provide verification in accordance with Section 40.320.030(B) that the required landscape has been installed in accordance with the approved landscape plan. In lieu of installing the landscaping prior to final plat recording, a financial guarantee shall be submitted to ensure its installation prior to any building permit activity. If the applicant chooses to do a financial guarantee, an easement, sufficient to install the required landscaping, must be granted to the County.
- D-4** The applicant shall dedicate additional right-of-way sufficient for a 27 foot half width for W Street. (See Transportation Finding #1)
- D-5** The applicant shall pave both driveways to the edge of the right-of-way or twenty feet from the edge, whichever is greater. (See Transportation Finding #1)
- D-6** A road approach permit must be applied for and approved for all new driveways accessing public roads that have not been previously permitted.
- D-7 Health Department Signature Requirement** - The Health Department is required to sign the final plat.
- D-8 Abandonment of On-Site Water Wells and Sewage Systems** – The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat.
- D-9 On-Site Water Wells and Sewage System Requirements** - For on-site water wells and sewage system, the following requirements shall be completed:

- a. Small public water systems shall be drilled and approved by the Health Department prior to final plat approval;
- b. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division unless otherwise approved by the Health Department;
- c. The location of all existing wells (in use, not in use or abandoned) shall be indicated on the final plat map;
- d. Each on-site sewage system shall be on the same lot it serves;
- e. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
- f. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
- g. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
- h. A copy of the County approved final drainage plan shall be submitted for review; and,
- i. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.

**D-10 Developer Covenant** – A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

- a. Land Near Agricultural, Forest or Mineral Resources: Land owners and residents are hereby notified that this plat is located within 500 feet of lands zoned agriculture-wildlife (AG-WL), agriculture (AG-20), forest (FR-40, FR-80), or surface mining (S), or in current use under Revised Code of Washington (RCW) Chapter 84.34. Therefore, the subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.
- b. Impact Fees: "In accordance with CCC 40.610 the School and Traffic Impact Fees for each new dwelling in this subdivision are: \$5,339.39 (Washougal School District and \$593.82 (Rural 2 TIF sub-area) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits

applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

- c. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- d. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- e. Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.
- f. If applicable, a covenant running with the land must be recorded with the plat which provides the county inspection staff permission to inspect individual onsite stormwater systems with prior notification.

**D-11 Plat Notes** - The following notes shall be placed on the final plat:

- a. Archaeological (all plats): "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified immediately. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- b. Building Envelope Note: If any development activity or ground disturbance occurs outside of the building envelopes represented on the final plat, an

additional archaeological predetermination survey will be required for the area impacted.

- c. Septic Systems: "The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."
- d. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services."
- e. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- f. Driveways: "Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Where connecting to a paved rural street, public or private, the driveway shall be paved 20 feet back from the edge of the nearest travel lane or right-of-way, whichever is greater. Driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet." (See Transportation Finding # 1)
- g. Driveway Locations for Lots #1 and #2: "Driveway locations and sight distance mitigation shall meet the direction provided by the applicant's engineer in a sight distance certification letter dated December 12, 2008. The applicant shall adjust the location of the driveway location on lot #2 as proposed or clear existing brush in order to meet 350 feet of sight distance from the driveway. Two pine trees are to be removed on lot #1 per the analysis to obtain sight distance."
- h. Stormwater: "At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan, or demonstrate CCC 40.380.040(B) and CCC 40.380.040(C) do not apply. (See Stormwater Finding #2)"
- i. Geologic Hazard Areas: "New construction is subject to the Geohazard Area Ordinance, CCC 40.430. Any construction activity on lot #2 requires an engineer, who is proficient in engineering to identify the locations of geohazard areas defined by code and identify where the associated required development setbacks are located. All development activities in

or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. A detailed geotechnical engineering report shall be reviewed and approved by the county if development activities are in or within 100 feet of a geohazard area."

- j. Sight-obscuring fences of any height are not permitted within fifty (50) feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. Sight-obscuring fences are at least fifty percent (50%) opaque.
- k. To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features.
- l. No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping.
- m. Fire Protection: "Alternative construction methods shall be used to meet fire flow; this will require 30 foot rear and side setbacks and a class "A" rated roof. An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 sq. ft. of habitable space."

**D-12** The applicant shall clearly show building envelopes and habitat areas on the face of the final plat. Any revisions to the proposed building envelopes will require additional review. (See Habitat Finding #2)

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| <b>E</b> | <b>Building Permits</b><br><b>Review &amp; Approval Authority: Customer Service</b> |
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- E-2 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
  - a. \$5,339.39 per dwelling for School Impact Fees (Washougal School Dist.)
  - b. \$593.82 per dwelling for Traffic Impact Fees (Rural 2 TIF Sub-area)

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate.



### **E-3 Engineering Requirements:**

- a. At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan for the land division, or demonstrate CCC 40.380.040(B) and CCC 40.380.040(C) do not apply. (See Stormwater Finding #2)
- b. Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- c. Erosion control facilities shall **not** be removed without County approval.

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| <b>F</b> | <b>Occupancy Permits</b><br><b>Review &amp; Approval Authority: Building</b> |
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 The drainage system for the new home shall be completed and have approval of a final inspection by Clark County.
- F-2 **Fire Protection:**
  - a. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Fire Protection Finding #4)
  - b. All other new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See Fire Protection Finding #5)

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| <b>G</b> | <b>Development Review Timelines &amp; Advisory Information</b><br><b>Review &amp; Approval Authority: None - Advisory to Applicant</b> |
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- G-1 **Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

**G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required if:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for additional information.**

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| <b>H</b> | <b>Post Development Requirements</b><br><b>Review &amp; Approval Authority: As specified below</b> |
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**H-1 None**

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| <b>Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.</b> |
|---|

**Decision Appeal Process:**

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on August 13, 2009. Therefore any appeal must be received in this office by August 27, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,

- The appeal fee of **\$5,240**.

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

**Attachments:**

- Copy of Proposed Preliminary Plan

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>



# Croswell Cluster Short Plat

Located in a portion NW 1/4 of Section 10 T1N, R4E, W.M.  
Clark County, Washington

## PROJECT NOTES:

**Prepared & Checked:**  
J. L. HARRIS  
3805 W. Street  
Wenatchee, WA 98091  
e-mail: jlharris@earthlink.net

**Project Engineer:**  
J. L. HARRIS  
3805 W. Street  
Wenatchee, WA 98091  
e-mail: jlharris@earthlink.net

**Public Water Purveyor:**  
Public Water Purveyor  
3805 W. Street  
Wenatchee, WA 98091  
e-mail: jlharris@earthlink.net

This project is within the R-5 zone of Clark County, a Single-Family Residential zone. The Comprehensive Plan designates this area for R-5.

Site Area - 10.10 acres (440,286 sq ft).

Total Number of Lots = 2  
Lot 1 = 7.75 acres (337,500 sq ft)  
Lot 2 = 2.35 acres (102,786 sq ft)

No right-of-way will be dedicated to Clark County. The development is sited on private land. A public roadway, a road modification for driveway spacing will be applied to the property. The applicant will be responsible for obtaining all necessary permits and approvals from the appropriate agencies.

Public Water Purveyor - Private Well.

Public Water Purveyor - Septic Systems are proposed. Stormwater quality and quantity control will not be required. The applicant will be responsible for obtaining all necessary permits and approvals from the appropriate agencies. The applicant will be responsible for obtaining all necessary permits and approvals from the appropriate agencies.

An unpermitted creek that is a tributary of Okanogan Creek flows through the site. The applicant will be responsible for obtaining all necessary permits and approvals from the appropriate agencies. The applicant will be responsible for obtaining all necessary permits and approvals from the appropriate agencies.

There are (2) known wells and (1) known septic system on site.

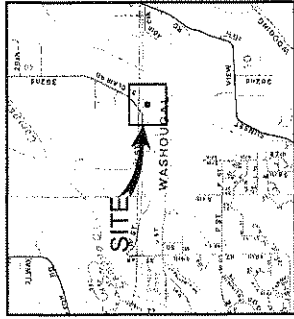
There is (1) existing house and (1) existing shop on-site. Both will remain.

No additional utilities will be provided with this development.

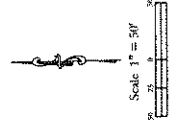
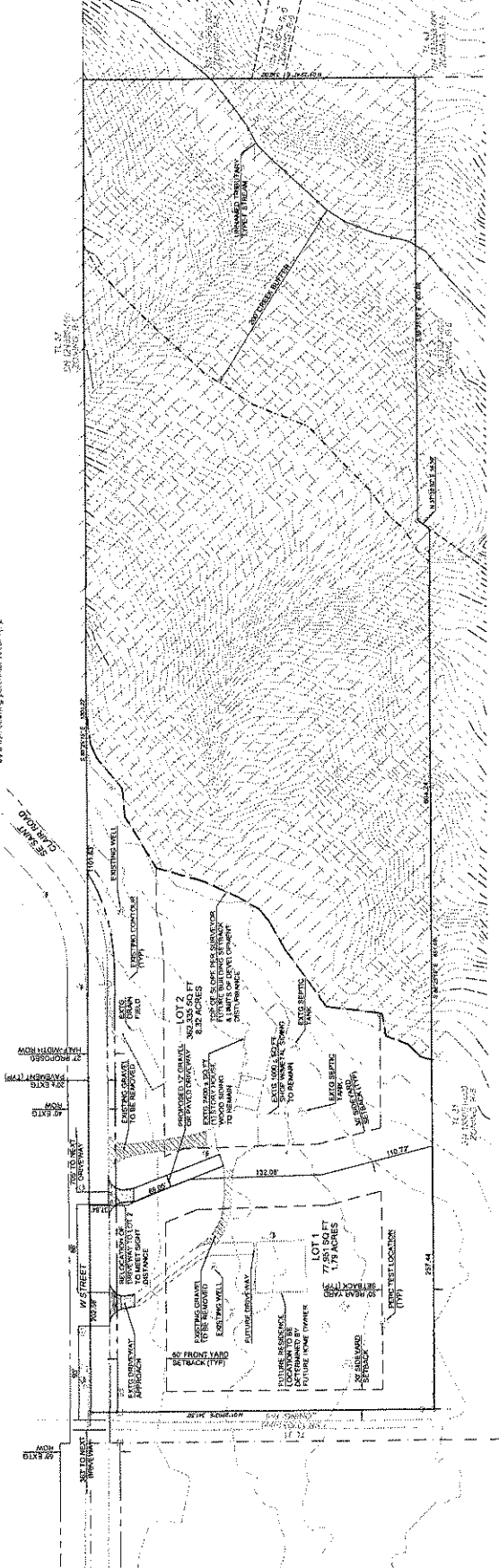
There are no travel stops within the general area.

There are no hydrants in the general area and no hydrants are proposed with this development.

Current data shown on the existing conditions plan are from the GIS Department of Clark County. Boundary information was provided by (1) Jason Land Services.



VICINITY MAP  
NOT TO SCALE



## Croswell Cluster Short Plat

A Short Plat Located in Clark County, Washington

| Revisions | By  | Date      | Description  |
|-----------|-----|-----------|--------------|
| 1         | JLH | 10/1/2011 | Initial Plan |
| 2         | JLH | 10/1/2011 | Revised Plan |
| 3         | JLH | 10/1/2011 | Revised Plan |
| 4         | JLH | 10/1/2011 | Revised Plan |
| 5         | JLH | 10/1/2011 | Revised Plan |
| 6         | JLH | 10/1/2011 | Revised Plan |
| 7         | JLH | 10/1/2011 | Revised Plan |
| 8         | JLH | 10/1/2011 | Revised Plan |
| 9         | JLH | 10/1/2011 | Revised Plan |
| 10        | JLH | 10/1/2011 | Revised Plan |

NW 1/4 of Section 10 T1R4E WM

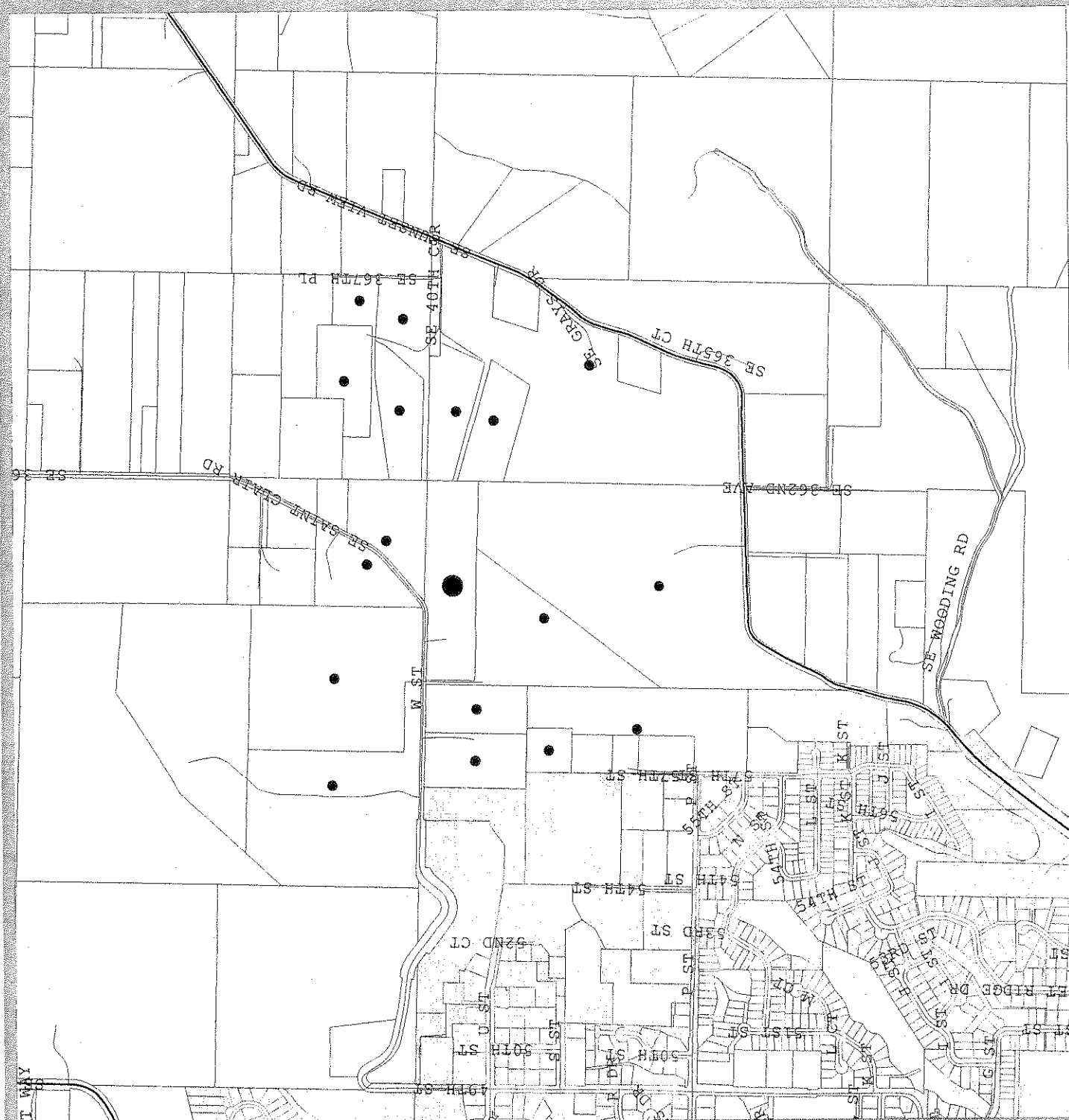
Major Roads  
State  
State On-Ramp  
Interstate  
Interstate On-Ramp  
Primary Arterial  
Arterial  
Roads  
Municipal Jurisdiction  
Unincorporated  
Incorporated

Community Development (Development Serv)

Plot Date: Jun 10, 2009



Information shown on this map was collected from several sources. Neither Clark County or the agency producing this document accept responsibility for any inaccuracies that may be present.



(Scale 1-5817 95) 200 0 200 400 600 800 Feet